

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1, 2, 4-37, 42-63, and 65-67 were pending in this application. In this Amendment, Applicant has amended claims 7-9, 11, 42, 54, and 56, canceled claims 1, 2, 4-6, 10, 15-37, 43-44, 51, 53, and 57-58, and added claims 68-74. Accordingly, claims 7-9, 11-14, 42, 45-50, 52, 54-56, 59-63, and 65-74 will be pending after entry of this Amendment.

Claims 7-9 and 11 have been amended to depend from new dependent claim 70. Claim 54 has been amended to depend from independent claim 42.

In the Office Action mailed May 31, 2005, the Examiner rejected claims 1, 2, 4-14, 22-37, 42, 44-56, 58-63, and 65-67 under 35 U.S.C. § 101 for being directed to non-statutory subject matter. Dependent claim 43 was not rejected under 35 U.S.C. § 101. The subject matter of dependent claim 43 found to be in compliance with 35 U.S.C. § 101 has been incorporated into amended independent claim 42, and dependent claim 43 has been cancelled. Since amended independent claim 42 now contains the subject matter of cancelled dependent claim 43, amended independent claim 42 is now believed to be directed to statutory subject matter under 35 U.S.C. § 101. Furthermore, Applicant respectfully submits that dependent claims 7-9, 11-14, 45-50, 52, 54-55, and 68-74, as dependent from amended claim 42, are directed to statutory subject matter under 35 U.S.C. § 101.

Dependent claim 57 was not rejected under 35 U.S.C. § 101. The subject matter of dependent claim 57 found to be in compliance with 35 U.S.C. § 101 has been added to

independent claim 56, and dependent claim 57 has been cancelled. Since amended independent claim 56 now contains the subject matter of cancelled dependent claim 57, amended independent claim 56 is now believed to be directed to statutory subject matter under 35 U.S.C. § 101.

Furthermore, Applicant respectfully submits that dependent claims 59-63 and 65-67, as dependent from amended claim 56, are directed to statutory subject matter under 35 U.S.C. § 101.

Claims 1, 2, 4-37, 42-63, and 65-67 were rejected under 35 U.S.C. § 103(a) as being unpatentable over www.jobasia.com in view of www.replyto.com. To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) must teach or suggest all of the claim limitations. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) and MPEP § 2142. The Examiner suggested that claims 27-37, 42-63, and 65-67 recite substantially similar limitations as claims 1-26, and rejected claims 27-37, 42-63, and 65-67 for this reason.

Dependent claim 53, however, recited a further “step of collecting an advertising fee from an employer ... wherein the employment placement service provider pays the signing bonus from the advertising fee.” Because claims 1-26 did not recite this claim limitation, the Examiner did not specifically address the subject matter of dependent claim 53. Therefore, the subject matter of dependent claim 53 was never examined on the merits, making the rejection of dependent claim 53 improper.

Furthermore, the cited references alone or in combination do not teach or suggest the limitation of “collecting an advertising fee from an employer ... wherein the employment

placement service provider pays the signing bonus from the advertising fee" of dependent claim 53. As a result, the Applicant respectfully submits that the subject matter of claim 53 was allowable in view of the cited references.

Indeed, the teachings of www.jobasia.com are limited to an offer of "one-month salary as bonus to job seekers who found a job through its service during the summer vacation," in reference B. By contrast, the source and use of the bonus are significant and unique aspects of the present invention, as described, for example, in dependent claims 52, 53, and 54. The www.jobasia.com reference simply does not teach these features.

In this Amendment, Applicant has amended independent claim 42 to include the patentable subject matter of dependent claim 53, and has cancelled dependent claim 53. Since independent claim 42 now contains the allowable subject matter of cancelled dependent claim 53, claim 42 is now believed to be allowable under 35 U.S.C. § 103(a) in view of www.jobasia.com and further in view of www.replyto.com.

For at least the same reasons as described above with regard to independent claim 42, the cited references do not disclose or suggest all of the elements of dependent claims 7-9, 11-14, 45-50, 52, 54-55, and 68-74. Therefore, dependent claims 7-9, 11-14, 45-50, 52, 54-55, and 68-74 are also believed to be allowable.

Independent claim 56 has also been amended to include the limitation of paying the signing bonus "from the advertising fee." Amended independent claim 56 recites "charging the employer an advertising fee ... wherein the employment placement service provider pays the signing bonus from the advertising fee." Because the cited references alone or in combination do

not teach or suggest this claim limitation, Applicant respectfully submits that amended independent claim 56 is allowable in view of the cited references.

For at least the same reasons as described above with regard to amended independent claim 56, the cited references do not disclose or suggest all of the elements of dependent claims 59-63 and 65-67. Therefore, dependent claims 59-63 and 65-67 are believed to be allowable.

Applicant has also added new claims 68-74, which recite further patentable features of the present invention. Support for new claims 68-73 can be found in the specification, for example, at page 20, lines 5-6, in Figures 12a, 12b, 13a, and 13b, and at page 20 lines 19-21. Support for new claim 74 can be found in the specification at, for example, at page 26, line 19 to page 29, line 17.

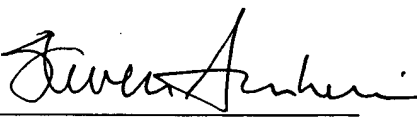
In view of the foregoing, all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone Applicant's undersigned representative at the number listed below.

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